United Nations S/2012/214

Security Council

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11 April 2012

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Identical letters dated 11 April 2012 from the Permanent Representative of the Syrian Arab Republic addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a letter dated 11 April 2012 from H.E. Mr. Walid Al-Moualem, Minister for Foreign Affairs and Expatriates of the Syrian Arab Republic, addressed to H.E. Mr. Ban Ki-moon, Secretary-General of the United Nations (see annex).

It would be highly appreciated if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

12-29105 (E) 110412 110412

Please recycle

Annex to the identical letters dated 11 April 2012 from the Permanent Representative of the Syrian Arab Republic addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

Having examined the letter sent to you on 10 April 2012 by the Special Envoy of the United Nations, Mr. Kofi Annan, we should like to draw the attention of the Security Council to the steps taken by the Syrian Arab Republic in the context of Mr. Annan's mission. I should be grateful if you could circulate this letter to members of the Security Council.

The Syrian Arab Republic welcomed and accepted Mr. Annan's mission on 27 March 2012, pledging cooperation in order to ensure its success. However, terrorist operations have become increasingly brutal since that date. Syrian Government forces and innocent civilians have been attacked, infrastructure has been sabotaged, and dozens of people have been forcibly displaced to Turkey in order to fabricate a humanitarian crisis as a pretext for the establishment of secure zones and humanitarian corridors.

It is worth recalling that Mr. Annan has not informed us of any commitments made by the other side, other than those mentioned in his letter dated 10 April 2012. In view of its negative experience in the case of the League of Arab States Observer Mission, when the armed groups made no commitment to end the violence, Syria has insisted on being kept informed of the outcomes of Mr. Annan's contacts with a view to securing that commitment, which would guarantee the implementation of the Annan plan and prevent any further civilian or military casualties. The armed groups receive funding and weapons from States whose officials have openly acknowledged providing the former and intending to encourage the provision of the latter. It was therefore essential that Mr. Annan should, in fulfilling his mission, contact them and dissuade them from offering such support, which is responsible for the shedding of innocent Syrian blood.

It should be noted that Syria has not requested that the armed groups should disarm immediately. Its request for disarmament stems from the need to extend its authority over all Syrian territory in order to ensure public order and the full application of the law. Mr. Annan has assured me that that must happen in a phase following the cessation of violence from any quarter.

We are concerned that Mr. Annan has not addressed the armed groups' responsibility for the violence that has escalated throughout Syria since we accepted the six-point plan. Although we drew his attention to their practices, he has not held them responsible for their criminal and terrorist acts, which are the cause of all of the violence that has taken place. Moreover, he has relied on information from the Turkish Government that is not credible, given that Government's well-known hostility towards Syria.

Syria has taken genuine steps to implement the requirements of the six-point plan. Today, it announced its commitment to ceasing all armed confrontation as of 6 a.m. on 12 April 2012.

Syria stands prepared to continue discussions with Mr. Annan's team under Major-General Mood in order to lay the bases of the work of the United Nations observers.

Lastly, I shall continue to keep Mr. Annan informed of the redeployment of units of our Armed Forces. I look forward to being informed of the outcome of his efforts with the other concerned parties.

(*Signed*) Mr. Walid **Al-Moualem**
Minister for Foreign Affairs and Emigrants

United Nations A/66/772–S/2012/215

General Assembly
Security Council

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12 April 2012

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General Assembly
Sixty-sixth session
Agenda item 38
The situation in Afghanistan

Security Council
Sixty-seventh year

Letter dated 10 April 2012 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the Declaration of the Fifth Regional Economic Cooperation Conference on Afghanistan (RECCA V), held in Dushanbe, Tajikistan, on 26 and 27 March 2012 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 38, and of the Security Council.

(*Signed*) Sirodjidin **Aslov**
Ambassador
Permanent Representative

12-29335 (E) 200412

Please recycle

Annex to the letter dated 10 April 2012 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

Declaration of the Fifth Regional Economic Cooperation Conference on Afghanistan (RECCA V)

A Result-oriented Partnership for Promoting Regional Integration, Stability and Prosperity

Dushanbe, Tajikistan, 26 and 27 March 2012

The Fifth Regional Economic Cooperation Conference on Afghanistan (RECCA V) met in Dushanbe, Tajikistan, on 26 and 27 March 2012 to further develop and consolidate cooperation and partnership towards promoting peace and prosperity in Afghanistan and in the region. Inaugurated by His Excellency Emomali Rahmon, President of the Republic of Tajikistan, His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan, His Excellency Mahmud Ahmadinejad, President of the Islamic Republic of Iran and His Excellency Asef Ali Zardari, President of the Islamic Republic of Pakistan, the Conference was co-chaired by His Excellency Hamrokhon Zarifi, Foreign Minister of the Republic of Tajikistan and His Excellency Zalmai Rassoul, Foreign Minister of the Islamic Republic of Afghanistan. High-level delegations and senior representatives from over 70 States and organizations took part in this historically significant gathering.

The participating States and organizations,

Thanking the Republic of Tajikistan for hosting and co-chairing this important gathering,

Appreciating the active participation of all States and organizations present at the Conference,

Reaffirming the commitments made by Afghanistan's neighbours on 22 December 2002 in the framework of the Kabul Declaration on Good Neighbourly Relations,

Acknowledging Afghanistan's central role as a thoroughfare of trade, transit, transport, investment and culture in the heart of Asia, and *expressing* unflinching support to the people and Government of Afghanistan to achieve peace, stability and socio-economic progress,

Commending Afghanistan's considerable progress towards peace, stability, democratization, socio-economic development and reconciliation during the last 10 years, and *expressing* support for further steps towards the full realization of these objectives,

Emphasizing that the Dushanbe Conference builds on the enduring nature of the commitments made during the previous four meetings of the Regional Economic Cooperation Conference on Afghanistan (Kabul, 2005; New Delhi, 2006; Islamabad, 2009; Istanbul, 2010),

Affirming that regional economic cooperation and integration can help exploit and develop the long-term economic potential of Afghanistan and mitigate the economic consequences of the gradual withdrawal of international combat troops in the wake of the ongoing Transition Process in Afghanistan,

Welcoming the success of the 2 November 2011 Istanbul Conference for Afghanistan: Security and Cooperation in the Heart of Asia and its outcome, the Istanbul Process on Regional Security and Cooperation for a Secure and Stable Afghanistan, and *anticipating* the follow-up Ministerial Conference to be held in Kabul on 14 June 2012, as well as its relevant preparatory processes,

Welcoming the commitment of the United Nations and its programmes in the region to play an active and contributing role in the implementation of the outcomes of RECCA V,

Acknowledging the need to further advance and consolidate, in the framework of a pragmatic, outcome-oriented, time-bound and measureable approach, the goals of confidence-building, peacemaking, security, socio-economic advancement, human betterment, trade expansion, foreign investment and resource mobilization in the region,

Welcoming the commitments made at the 5 December 2011 Bonn International Conference on Afghanistan, and the enduring strong international support demonstrated for Afghanistan's continued progress towards stability and development, including during the Transformation Decade of 2015-2024,

Reaffirming their commitment to collectively combat the menaces of terrorism, extremism, transnational organized crime and illicit narcotics production and trafficking,

Recognizing that the multifaceted challenges of globalization and regional integration, as well as traditional and non-traditional issues threatening national and human security, require a more coherent and well-coordinated response at the regional level,

Noting with satisfaction the benefits of open bilateral and multilateral relationships forged between Afghanistan and its regional and international partners over the last decade,

Appreciating the progress made in expanding cooperation across the region during the last decade in the areas of political stability and security, trade and investment, economy and infrastructure, information and communications, strengthening society and culture and human resource development,

Expressing strong conviction that regional partnerships towards advancing economic cooperation and integration, regional connectivity, free and fair trade, joint investments and creation of a favourable regional business environment would further promote growth and development, raise living standards of the people throughout the region and provide further dynamic benefits and synergies to the region and the world in the long term,

Declaring that core, coordinated economic and development strategies at national levels should support the overall regional integration vision,

Drawing attention to the issues of Afghan refugees and appreciating the assistance extended to them by the Islamic Republic of Pakistan, the Islamic Republic of Iran and Afghanistan's other neighbouring States,

Emphasizing regional ownership and leadership of the work towards comprehensive regional connectivity and its importance in promoting region-wide confidence, prosperity and integration,

Underlining the vast potential for regional cooperation in new and emerging areas of common interest, including tourism, education, health, science and technology, non-traditional security issues, agriculture and forestry, energy, telecommunication, industry, environment and regional and inter- tional issues,

Hereby reiterate their determination to promote lasting confidence and partnership for the purpose of securing peace, stability and socio-economic progress in Afghanistan and in the region, and concur as follows:

I. Principles of cooperation

Cooperation between Afghanistan and its RECCA partners is based on:

(a) Adherence to the purposes and principles of the Charter of the United Nations;

(b) Adherence to international law as applicable;

(c) Respect for each other's national sovereignty, territorial integrity and independence;

(d) Adherence to the principle of non-intervention in the internal affairs of other States;

(e) Promotion of a multifaceted cooperation and regional integration strategy based on mutual trust, benefit, equality and dialogue.

II. Projects and policy priorities for promoting cooperation

Informed by the three themes of RECCA V, the participants discussed the measures towards the time-bound achievement of the goals contained in this Declaration and stated their commitment to take serious and measurable steps towards the implementation of the following priority projects, some of which have been under consideration of regional programmes and organizations.

A. Development through building infrastructure

Railways

1. Components:

(a) Completion of Kolkhozobod-Panji Poyen (Tajikistan, 50 km) and Shir Khan Bandar-Kunduz (Afghanistan, 75 km) (1435 mm gauge);

(b) Completion of Jalalabad-Torkham (Afghanistan, 75 km)-Landi Kutal (Pakistan, 23 km) (1435 mm gauge and 1676 mm gauge, respectively);

(c) Completion of Chaman (Pakistan)-Spinboldak (Afghanistan) (1676 mm gauge, 11.5 km) — Phase I and Spinboldak to Kandahar-Phase II;

(d) Completion of the Fourth Phase of Khaf-Herat (Sangon-Herat) (Iran, 81 km) — Shamtegh-Herat (Afghanistan, 124 km) (1435 mm gauge) extending to Chah Bahar;

(e) Completion of Atamyrat-Imomnazar (Turkmenistan, 90 km) and Aqina-Andkhoy-Shiberghan (Afghanistan, 108 km) (1520 mm gauge);

(f) Completion of the feasibility study and beginning of construction on the Shiberghan-Mazar-i-Sharif-Kunduz (367 km) line (1435 mm gauge).

Highways

2. Rehabilitation of Salang tunnel (2.86 km) and construction of bypass (Pul-e-Matak-Shibar-Doshi, 275 km).

3. Upgrading and completion of the second lane of the Kabul-Jabul Siraj Highway (52 km) and completion of at least 150 km of the East-West Corridor.

4. Completion of a segment of at least 100 km of 253 km of the Afghanistan Ring Road (between Armalek and Ghormach).

Energy

5. TAPI [Turkmenistan-Afghanistan-Pakistan-India gas pipeline]: Completion of financing arrangement, selection of transporter and operator; construction work under way by 2014.

6. Completion of Afghanistan Regional Electric Grid:

(a) Construction of 500 kV Transmission Line from Mary to Atamyrat (Turkmenistan, 300 km)-Andkhoy (Afghanistan, 42 km);

(b) Construction of 500 kV Transmission Line Andkhoy-Mazar-i-Sharif-Puli Khumri-Kabul;

(c) Construction of 500 kV Transmission Line Sangtuda (Tajikistan)-Puli Khumri (Afghanistan).

7. Completion of the CASA-1000 Project:

(a) Construction of 500 kV AC Transmission Line from Datka (Kyrgyzstan) to Khojand (Tajikistan) — 470 km;

(b) Construction of 500 kV DC Transmission Line Sangtuda (Tajikistan, 117 km)-Kabul-Torkham (Afghanistan, 562 km)-Peshawar (Pakistan, 71 km) with a capacity of 1300 MW.

8. Construction of Kokcha multi-purpose dam (450 MW capacity).

9. Construction of the Afghanistan-Tajikistan Gas Pipeline (ATGP) (Sheberghan-Mazar-i-Sharif-Hayratan-Kaldar-Aywaj-Kolkhozobod (235 km in Afghanistan and 110 km in Tajikistan).

B. Human resource development, vocational training, labour market facilitation

10. Establishment of a technical vocational training centre in Tajikistan for Afghanistan and the region (in the areas of mining, railways, construction, operation, maintenance, disaster risk management, health care, etc.), and continuation/expansion of other vocational training programmes in relevant sectors, as requested by Afghanistan.

11. Improvement of regional labour markets and facilitating skilled labour exchange at the regional level, including productive reintegration of Afghan refugees living in neighbouring countries.

12. Capacity-building for the establishment of joint ventures between entrepreneurs in industrial, extractive, agricultural and other sectors between Afghanistan and regional countries.

C. Investment, trade, transit and border management

13. Development of cross-border economic zones for mutual investment activities between Afghanistan and neighbouring countries.

14. Harmonization and simplification of customs' procedures, including the use of single window and interoperable national paperless trade systems.

15. Transit-transport agreements with neighbouring countries connecting Central Asia with the South Asian Free Trade Agreement Area through Afghanistan.

D. Regional disaster risk management and rehabilitation

16. Establishment and operationalization of a Regional Disaster Management Centre with the following purposes: (1) installing early warning systems; (2) developing and implementing risk-reducing preventive measures; (3) rehabilitation of affected areas and populations; (4) providing support and capacity-building for National Disaster Management authorities; and (5) other necessary measures.

E. Regional fibre-optic connectivity

17. Connecting Afghanistan's fibre-optic system with regional fibre-optic systems.

III. Final dispositions

The participants extend broad support for the above projects with the purpose of studying them further to make possible concrete progress in financing and implementation in the short and medium term.

International financial institutions and development banks are especially called upon to take a liberal approach to financing such regionally beneficial projects.

The participants reiterate the importance of nominating RECCA Focal Points (at the senior official level) and request them to be communicated to the RECCA Secretariat by 1 July 2012.

The participants decided to commemorate, in December 2012, the 10th anniversary of the Kabul Declaration on Good Neighbourly Relations to further strengthen relations between Afghanistan and its neighbours through developing result-oriented strategies and policies for a more comprehensive and forward-looking partnership.

The RECCA V participants once again thank the Government of the Republic of Tajikistan for extending exemplary hospitality to the delegates and making excellent arrangements for the Conference.

The participants took note of the multiple interests expressed by Afghanistan's friends and partner States, including the Islamic Republic of Iran, to host the next RECCA meeting.

United Nations S/2012/216

Security Council

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12 April 2012

Original: English

Letter dated 12 April 2012 from the Permanent Representative of the Syrian Arab Republic addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 12 April 2012 from H.E. Mr. Walid Al-Moualem, Minister for Foreign Affairs and Expatriates of the Syrian Arab Republic, addressed to the Secretary-General of the United Nations (see annex).

It would be highly appreciated if the present letter and its annex could be circulated, on an urgent basis, as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

12-29328 (E) 130412 130412

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Annex to the letter dated 12 April 2012 from the Permanent Representative of the Syrian Arab Republic addressed to the Secretary-General

[Original: Arabic]

Syrian Arab Republic

Minister for Foreign Affairs and Emigrants

We have perused the letter addressed to you by the Permanent Representative of Turkey to the United Nations (A/66/769-S/2012/208), in which it is claimed that on 9 April 2012, Syrian forces carried out acts of violence close to the Syrian-Turkish borders that led to a rapid increase in the number of Syrians crossing those borders. The letter also states that on the same date, as a result of cross-border fire, two Syrian nationals who had taken refuge in the town of Kilis were wounded, as were two Turkish citizens who work in that town.

The statements made in the letter addressed to you by the Permanent Representative of Turkey does not accord with reality and may be taken as part of the Turkish strategy to which I referred in the letter I addressed to you on 11 April 2012. That strategy consists of sheltering, arming and providing logistical support to armed terrorist elements that enter Syrian territory in order to carry out criminal attacks against Government forces and innocent civilians; destroy infrastructure; target public and private property; and force scores of people into Turkey, with a view to fabricating a humanitarian crisis. As you know, the action of a State in allowing armed groups to use its territory in order to launch attacks on a neighbouring State meets the definition of aggression set forth in General Assembly resolution 3314 (XXIX) of 1974. We should like to draw your attention to the fact that this Turkish aggression was planned as soon as the internal events in Syria began: right at the start of the crisis, the Turkish authorities prepared refugee camps capable of housing some 500,000 persons at sites close to the Syrian-Turkish borders. In coordination with those authorities, the armed groups carry out operations aimed at terrorizing the civilian population and driving them into those camps, in order to enable the Turkish Government to create a refugee crisis, on the basis of which it can seek to establish humanitarian corridors and a buffer zone that will require military protection. The claims that were made in the Turkish letter are an attempt to muddy the waters and cover up the Turkish Government's aggressive policies towards Syria.

What really happened was that on the morning of 9 April 2012, the Salama crossing on the Syrian-Turkish border was attacked by armed groups and there was heavy firing. The armed forces intervened in order to resist that attack, and as a result, nine of the armed persons were killed. During that confrontation, at 12.30 p.m., some 350 Syrian citizens left the Turkish Yayladagi I camp with the aim of attacking the Kassab border security post, but were stopped by the Turkish army and police two kilometres before they reached the Turkish position of Beley. They were carrying flags, sticks and automatic/pump action weapons.

At 1800 hours on 10 April 2012, some 40 armed persons launched an attack on the Salama border security post. They were resisted by members of the police force and the army. In the exchange of fire, one of the armed persons was killed and two others received gunshot wounds. A military rifle was seized, together with a number

of shells. The armed persons escaped to Turkish territory, taking their wounded with them.

What we have set forth above proves that Turkey is directly involved in the Syrian crisis, in a manner which threatens security and stability in the region and makes it incumbent on the international community to take the appropriate measures to halt this Turkish aggression against Syria.

(*Signed*) Walid **Al-Moualem**
Minister for Foreign Affairs and Emigrants

United Nations A/66/773–S/2012/217

General Assembly
Security Council

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13 April 2012

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General Assembly
Sixty-sixth session
Agenda item 43
Question of Cyprus

Security Council
Sixty-seventh year

Letter dated 11 April 2012 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to the letter dated 21 March 2012 from H.E. Minas A. Hadjimichael addressed to you (A/66/751-S/2012/173), I have the honour to draw your attention to ongoing violations of the international air traffic regulations and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded from 1 December 2011 to 29 February 2012, as follows.

On 1 December 2011, two F-16, two F-4 and one CN-235 Turkish military aircraft violated international air traffic regulations twice.

On 2 December 2011, four F-16 and two F-4 Turkish military aircraft violated international air traffic regulations twice.

On 5 December 2011, two F-16 and two Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

On 6 December 2011, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 7 December 2011, two F-16, one CN-235 and one C-160 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus twice.

On 12 December 2011, one CN-235 Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 13 December 2011, two F-16, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus.

Please recycle

On 14 December 2011, one CN-235, two Cougar and four Turkish military aircraft of unknown type violated international air traffic regulations six times and the national airspace of the Republic of Cyprus four times.

On 15 December 2011, two F-16 Turkish military aircraft violated the national airspace of the Republic of Cyprus.

On 16 December 2011, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 21 December 2011, one C-160 and one CN-235 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

On 22 December 2011, two F-16 and one CN-235 Turkish military aircraft violated the national airspace of the Republic of Cyprus twice.

On 24 and 26 December 2011, three CN-235 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 27 December 2011, two CN-235, two F-16 and one Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus twice.

On 28 December 2011, one B-200 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 29 December 2011, one C-160, one CN-235 and one Turkish military aircraft of unknown type violated international air traffic regulations four times and the national airspace of the Republic of Cyprus three times.

On 31 December 2011, one CN-235 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 3 January 2012, one C-650 and one Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus.

On 4 January 2012, one C-160 and two CN-235 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus four times.

On 6 and 7 January 2012, one C-130, one PA-42, one C-650 and one Cougar Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus five times.

On 9 January 2012, two S-70 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 10 January 2012, one CN-235 and five F-16 Turkish military aircraft violated the national airspace of the Republic of Cyprus three times.

On 11 January 2012, one CN-235, one C-160, one B-200 and two S-70 Turkish military aircraft violated international air traffic regulations eight times and the national airspace of the Republic of Cyprus eight times.

On 12 January 2012, one CN-25 and two S-70 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 13 January 2012, one CN-235, two S-70 and two Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 16 January 2012, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 17 January 2012, one GLF-5, three CN-235, one Cougar and four Turkish military aircraft of unknown type violated international air traffic regulations seven times and the national airspace of the Republic of Cyprus four times.

On 18 January 2012, one CN-235 and one C-130 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 19 January 2012, two F-16, two CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus three times.

On 20 January 2012, one Turkish military aircraft of unknown type violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 23 January 2012, one Cessna and one Turkish military aircraft of unknown type violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 24 January 2012, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 26 January 2012, two F-4 Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 29 January 2012, one GLF-5 Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 31 January 2012, four Turkish military aircraft of unknown type violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 1 February 2012, one C-130 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 2 February 2012, one CN-235, three Cougar, two B-200 and two F-16 Turkish military aircraft violated international air traffic regulations seven times and the national airspace of the Republic of Cyprus five times.

On 4 February 2012, one B-200 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 6 February 2012, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 8 February 2012, one Cougar, one B-200 and two F-16 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus three times.

On 9 February 2012, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 10 February 2012, one CN-235 and one C-160 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 13 February 2012, one C-130 and two CN-235 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus.

On 14 February 2012, one Cougar, one CN-235 and one C-130 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

On 15 February 2012, one Cougar, two CN-235 and one C-130 Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus six times.

On 16 February 2012, one CN-235 and one C-130 Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 20 February 2012, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 21 February 2012, three Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 22 February 2012, four F-16, two CN-235 and one B-200 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus twice.

On 23 February 2012, two Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 24 and 27 February 2012, one Cougar and one CN-235 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus.

On 28 February 2012, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 29 February 2012, one CN-235 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On behalf of my Government, I strongly protest the continuing violations by Turkey of international air traffic regulations and the national airspace of the Republic of Cyprus and call for their immediate cessation.

Such systematic abuses by Turkey of the sovereignty and territorial integrity of the Republic of Cyprus blatantly violate international law and air traffic regulations and seriously compromise international aviation safety in the greater region. This is particularly disconcerting in the context of the recent military threats by Turkey against Cyprus, related to activity in my country's Exclusive Economic Zone, as well as recent statements by high-level Turkish officials threatening annexation of the occupied part of Cyprus.

We would like to reiterate our call to the Government of Turkey to abide by the Charter of the United Nations and its international obligations and respect the sovereignty, independence and territorial integrity of all Member States of the United Nations.

The persistence of the above-mentioned violations is particularly counterproductive at the present juncture of negotiations in search of a just, lasting and peaceful solution to the Cyprus problem. In this context, we reiterate our call to the Government of Turkey to act constructively in support of efforts aimed at reaching a viable solution to the Cyprus problem, in accordance with the agreed basis for such a solution, endorsed by numerous Security Council resolutions.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Nicholas **Emiliou**

United Nations S/2012/218

Security Council

Distr.: General
12 April 2012

Original: English

Letter dated 9 April 2012 from the Secretary-General to the President of the Security Council

I have the honour to transmit herewith letters dated 20 and 29 March 2012 from the President of the International Residual Mechanism for Criminal Tribunals and Presiding Judge of the Appeals Chamber of the International Criminal Tribunal for Rwanda, Judge Theodor Meron, and the President of the International Criminal Tribunal for Rwanda, Judge Vagn Joensen (see annexes I and II).

In their letters, Judges Meron and Joensen jointly request that the appeals, if any, in the *Ngirabatware*, *Nizeyimana* and *Nzabonimana* cases should be heard by the Appeals Chamber of the International Criminal Tribunal for Rwanda and not the Appeals Chamber of the Mechanism.

I recall that, pursuant to article 2 (2) of the Transitional Arrangements set out in annex 2 to Security Council resolution 1966 (2010), the International Criminal Tribunal for Rwanda shall have competence to conduct, and complete, all appellate proceedings for which the notice of appeal against the judgement or sentence is filed before 1 July 2012, and the Mechanism shall have competence to conduct, and complete, all appellate proceedings for which the notice of appeal against the judgement or sentence is filed on or after 1 July 2012. Since it is projected that the notices of appeals, if any, in the aforementioned cases would be filed after 1 July 2012, the appeals would, according to this provision, be heard by the Appeals Chamber of the Mechanism.

However, Judges Meron and Joensen are of the view that it would be more efficient if the appeals were handled by the Appeals Chamber of the International Criminal Tribunal, as opposed to the Appeals Chamber of the Mechanism. They are therefore seeking derogation from the provisions of the Transitional Arrangements in order that the Appeals Chamber of the Tribunal may exercise jurisdiction over the appeal. They further state that the Prosecutor of the Tribunal and the Mechanism, and the Registrars of the Tribunal and the Mechanism, support the request.

It falls to the Security Council, as the parent organ of both the Tribunal and the Mechanism, to consider and decide on this request. I would therefore be grateful if you would bring the present letters from Judge Meron and Judge Joensen to the attention of members of the Council.

(*Signed*) **BAN** Ki-moon

12-29351 (E) 170412

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Annex I

Letter dated 20 March 2012 from the President of the International Criminal Tribunal for Rwanda and the President of the International Residual Mechanism for Criminal Tribunals and Presiding Judge of the Appeals Chamber of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

We write to request a limited derogation of the jurisdictional provisions of the International Residual Mechanism for Criminal Tribunals with respect to any appeal in the case of *The Prosecutor v. Augustin Ngirabatware*. We transmit this request on behalf of the International Criminal Tribunal for Rwanda and the Mechanism, and with the agreement of the Registrar of the Tribunal, Mr. Adama Dieng; the Registrar of the Mechanism, Mr. John Hocking; and the Prosecutor of the Tribunal and the Mechanism, Mr. Hassan Bubacar Jallow.

As you are aware, Security Council resolution 1966 (2010) establishing the Mechanism provides that the Arusha branch shall commence functioning on 1 July 2012. The Transitional Arrangements of the International Residual Mechanism for Criminal Tribunals prescribe that the International Criminal Tribunal for Rwanda has competence to conduct and complete all appellate proceedings for which the notice of appeal against the judgement or sentence is filed prior to the date of 1 July 2012. The appellate proceedings in all other cases are within the jurisdictional competence of the Mechanism.

Currently, three substantive cases remain to be completed before the International Criminal Tribunal for Rwanda at the trial level. In two of the cases, the trial judgements are expected to be delivered in writing more than 30 days prior to 1 July 2012, allowing for the timely filing before the Tribunal of any notices of appeal in these cases. In the *Ngirabatware* case, however, the written judgement and any notice of appeal are projected to be filed after 1 July 2012. Consequently, any appeal would, under the Transitional Arrangements, fall to the jurisdictional competence of the Mechanism.

The Appeals Chamber of the Mechanism is currently not expected to have any other matter before it in 2012. Therefore, from the point of view of organizational efficiency, it would be preferable to have any appeal against the trial judgement in the *Ngirabatware* case adjudicated by the Appeals Chamber of the International Criminal Tribunal for Rwanda. The Appeals Chamber of the Tribunal had planned to consider the *Ngirabatware* case and included the case in the Tribunal's budgetary projections when it appeared that the trial judgement would be rendered prior to the commencement date of the Arusha branch of the Mechanism. The Tribunal's Appeals Chamber could thus incorporate any appeal in the *Ngirabatware* case into its remaining caseload without disturbing the Completion Strategy or impacting the Tribunal's budget. Moreover, at the time the *Ngirabatware* case is expected to come before it, the Tribunal's Appeals Chamber will have a full complement of Judges on its bench and will be supported by its existing staff. Permitting the Tribunal's Appeals Chamber to hear and decide any appeal in the *Ngirabatware* case would prevent unnecessarily burdening the Mechanism with the need to empanel and support a five-Judge bench in the Mechanism's Appeals Chamber.

Assigning any appeal from judgement or sentence in the *Ngirabatware* case to the Appeals Chamber of the Tribunal could be accomplished by a resolution of the Security Council vesting the Tribunal, on an exceptional basis, with jurisdictional competence over any such appeal, notwithstanding the applicable provision of the Transitional Arrangements. We believe that such a resolution is the most efficient means of addressing the remaining workload of the Tribunal, to assure a smooth transition to the Mechanism, and to serve the broader goals of the Council.

(*Signed*) Vagn **Joensen**
President, International Criminal Tribunal for Rwanda

(*Signed*) Theodor **Meron**
President, International Residual Mechanism for Criminal Tribunals
Presiding Judge, Appeals Chamber of the
International Criminal Tribunal for Rwanda

Annex II

Letter dated 29 March 2012 from the President of the International Criminal Tribunal for Rwanda and the President of the International Residual Mechanism for Criminal Tribunals and Presiding Judge of the Appeals Chamber of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

We refer to our letter of 20 March 2012, requesting a limited derogation of the jurisdictional provisions of the International Residual Mechanism for Criminal Tribunals with respect to any appeal in the case of *The Prosecutor v. Augustin Ngirabatware*. It has now come to our attention that it is probable that there will also be delays in the delivery of the written trial judgements in the case of *The Prosecutor v. Ildephonse Nizeyimana* and in the case of *The Prosecutor v. Callixte Nzabonimana*.

Accordingly, we transmit this request for a limited derogation in the case of *The Prosecutor v. Ildephonse Nizeyimana* and in the case of *The Prosecutor v. Callixte Nzabonimana* on behalf of the International Criminal Tribunal for Rwanda and the Mechanism, and with the agreement of the Registrar of the International Criminal Tribunal for Rwanda, Mr. Adama Dieng; the Registrar of the Mechanism, Mr. John Hocking; and the Prosecutor of the Tribunal and the Mechanism, Mr. Hassan Bubacar Jallow. We ask that this request be considered in conjunction with our request of 20 March 2012.

As you are aware, Security Council resolution 1966 (2010) establishing the Mechanism provides that the Arusha branch shall commence functioning on 1 July 2012. The Transitional Arrangements of the International Residual Mechanism for Criminal Tribunals prescribe that the International Criminal Tribunal for Rwanda has competence to conduct and complete all appellate proceedings for which the notice of appeal against the judgement or sentence is filed prior to the date of 1 July 2012. The appellate proceedings in all other cases are within the jurisdictional competence of the Mechanism.

The cases of *The Prosecutor v. Augustin Ngirabatware*, *The Prosecutor v. Ildephonse Nizeyimana* and *The Prosecutor v. Callixte Nzabonimana* are the only substantive cases that remain to be completed before the International Criminal Tribunal for Rwanda at the trial level. As we earlier advised, in the *Ngirabatware* case, the written judgement and any notice of appeal are projected to be filed after 1 July 2012. Consequently, any appeal would, under the Transitional Arrangements, fall to the jurisdictional competence of the Mechanism. It is probable that the written judgements in the *Nizeyimana* case and the *Nzabonimana* case will also not be delivered in writing more than 30 days prior to 1 July 2012, and thus any appeals from these cases may also fall to the jurisdictional competence of the Mechanism.

Without a grant of derogation from the jurisdictional provisions of the Mechanism, the Appeals Chamber of the Mechanism could have three cases before it in 2012. However, from the point of view of organizational efficiency, it would be preferable to have any appeal against the trial judgements in these cases adjudicated by the Appeals Chamber of the International Criminal Tribunal for Rwanda. The Appeals Chamber of the Tribunal had planned to consider these cases and included

them in the Tribunal's budgetary projections when it appeared that all trial judgements would be rendered prior to the commencement date of the Arusha branch of the Mechanism. The Tribunal's Appeals Chamber had already thus incorporated the expected appeals in these three cases into its remaining projected caseload. The appeals in these cases could therefore be handled by the Tribunal without disturbing the Completion Strategy or impacting the Tribunal's budget. Moreover, at the time these cases are expected to come before it, the Tribunal's Appeals Chamber will have a full complement of Judges on its bench and will be supported by its existing staff. Permitting the Tribunal's Appeals Chamber to hear and decide any appeal in all of these cases would avoid unnecessarily burdening the Mechanism with the need to empanel and support a five-Judge bench in the Mechanism's Appeals Chamber.

Assigning any appeal from judgement or sentence in these cases to the Tribunal's Appeals Chamber could be accomplished by a resolution of the Security Council vesting the Tribunal, on an exceptional basis, with jurisdictional competence over any such appeal, notwithstanding the applicable provision of the Transitional Arrangements. We believe that such a resolution is the most efficient means of addressing the remaining workload of the Tribunal, to assure a smooth transition to the Mechanism, and to serve the broader goals of the Council.

(*Signed*) Vagn **Joensen**
President, International Criminal Tribunal for Rwanda

(*Signed*) Theodor **Meron**
President, International Residual Mechanism for Criminal Tribunals
Presiding Judge, Appeals Chamber of the International
Criminal Tribunal for Rwanda

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The Security Council,

Recalling its Presidential Statements of 3 August 2011, 21 March 2012 and 5 April 2012, and also *recalling* all relevant resolutions of the General Assembly,

Reaffirming its support to the Joint Special Envoy for the United Nations and the League of Arab States, Kofi Annan, and his work, following General Assembly resolution A/RES/66/253 of 16 February 2012 and relevant resolutions of the League of Arab States,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Syria, and to the purposes and principles of the Charter,

Condemning the widespread violations of human rights by the Syrian authorities, as well as any human rights abuses by armed groups, *recalling* that those responsible shall be held accountable, and *expressing* its profound regret at the death of many thousands of people in Syria,

Noting the Syrian government's commitment on 25 March 2012 to implement the six-point proposal of the Joint Special Envoy of the United Nations and the League of Arab States, and to implement urgently and visibly its commitments, as it agreed to do in its communication to the Envoy of 1 April 2012, to (a) cease troop movements towards population centres, (b) cease all use of heavy weapons in such centres, and (c) begin pullback of military concentrations in and around population centres, and to implement these in their entirety by no later than 10 April 2012, and *noting also* the Syrian opposition's expressed commitment to respect the cessation of violence, provided the government does so,

Noting the Envoy's assessment that, as of 12 April 2012, the parties appeared to be observing a cessation of fire and that the Syrian government had started to implement its commitments, and *supporting* the Envoy's call for an immediate and visible implementation by the Syrian government of all elements of the Envoy's six-point proposal in their entirety to achieve a sustained cessation of armed violence in all its forms by all parties,

1. *Reaffirms* its full support for and *calls for* the urgent, comprehensive, and immediate implementation of all elements of the Envoy's six-point proposal (annex) aimed at bringing an immediate end to all violence and human rights violations,

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securing humanitarian access and facilitating a Syrian-led political transition leading to a democratic, plural political system, in which citizens are equal regardless of their affiliations, ethnicities or beliefs, including through commencing a comprehensive political dialogue between the Syrian government and the whole spectrum of the Syrian opposition;

2. *Calls upon* the Syrian government to implement visibly its commitments in their entirety, as it agreed to do in its communication to the Envoy of 1 April 2012, to (a) cease troop movements towards population centres, (b) cease all use of heavy weapons in such centres, and (c) begin pullback of military concentrations in and around population centres;

3. *Underlines* the importance attached by the Envoy to the withdrawal of all Syrian government troops and heavy weapons from population centres to their barracks to facilitate a sustained cessation of violence;

4. *Calls upon* all parties in Syria, including the opposition, immediately to cease all armed violence in all its forms;

5. *Expresses its intention*, subject to a sustained cessation of armed violence in all its forms by all parties, to establish immediately, after consultations between the Secretary-General and the Syrian government, a United Nations supervision mission in Syria to monitor a cessation of armed violence in all its forms by all parties and relevant aspects of the Envoy's six-point proposal, on the basis of a formal proposal from the Secretary-General, which the Security Council requests to receive not later than 18 April 2012;

6. *Calls upon* the Syrian government to ensure the effective operation of the mission, including its advance team, by: facilitating the expeditious and unhindered deployment of its personnel and capabilities as required to fulfil its mandate; ensuring its full, unimpeded, and immediate freedom of movement and access as necessary to fulfil its mandate; allowing its unobstructed communications; and allowing it to freely and privately communicate with individuals throughout Syria without retaliation against any person as a result of interaction with the mission;

7. *Decides* to authorize an advance team of up to 30 unarmed military observers to liaise with the parties and to begin to report on the implementation of a full cessation of armed violence in all its forms by all parties, pending the deployment of the mission referred to in paragraph 5 and *calls upon* the Syrian government and all other parties to ensure that the advance team is able to carry out its functions according to the terms set forth in paragraph 6;

8. *Calls upon* the parties to guarantee the safety of the advance team without prejudice to its freedom of movement and access, and *stresses* that the primary responsibility in this regard lies with the Syrian authorities;

9. *Requests* the Secretary-General to report immediately to the Security Council any obstructions to the effective operation of the team by any party;

10. *Reiterates* its call for the Syrian authorities to allow immediate, full and unimpeded access of humanitarian personnel to all populations in need of assistance, in accordance with international law and guiding principles of humanitarian assistance and calls upon all parties in Syria, in particular the Syrian authorities, to cooperate fully with the United Nations and relevant humanitarian organizations to facilitate the provision of humanitarian assistance;

11. *Requests* the Secretary-General to report to the Council on the implementation of this resolution by 19 April 2012;

12. *Expresses its intention* to assess the implementation of this resolution and to consider further steps as appropriate;

13. *Decides* to remain seized of the matter.

Annex

Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States

(1) commit to work with the Envoy in an inclusive Syrian-led political process to address the legitimate aspirations and concerns of the Syrian people, and, to this end, commit to appoint an empowered interlocutor when invited to do so by the Envoy;

(2) commit to stop the fighting and achieve urgently an effective United Nations supervised cessation of armed violence in all its forms by all parties to protect civilians and stabilize the country;

To this end, the Syrian government should immediately cease troop movements towards, and end the use of heavy weapons in, population centres, and begin pullback of military concentrations in and around population centres;

As these actions are being taken on the ground, the Syrian government should work with the Envoy to bring about a sustained cessation of armed violence in all its forms by all parties with an effective United Nations supervision mechanism.

Similar commitments would be sought by the Envoy from the opposition and all relevant elements to stop the fighting and work with him to bring about a sustained cessation of armed violence in all its forms by all parties with an effective United Nations supervision mechanism;

(3) ensure timely provision of humanitarian assistance to all areas affected by the fighting, and to this end, as immediate steps, to accept and implement a daily two hour humanitarian pause and to coordinate exact time and modalities of the daily pause through an efficient mechanism, including at local level;

(4) intensify the pace and scale of release of arbitrarily detained persons, including especially vulnerable categories of persons, and persons involved in peaceful political activities, provide without delay through appropriate channels a list of all places in which such persons are being detained, immediately begin organizing access to such locations and through appropriate channels respond promptly to all written requests for information, access or release regarding such persons;

(5) ensure freedom of movement throughout the country for journalists and a non-discriminatory visa policy for them;

(6) respect freedom of association and the right to demonstrate peacefully as legally guaranteed.